



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3013117

Applicant Name: Sunny Ausink/PTS for Nexius (NextNav)

Address of Proposal: 525 - 14th Ave East (Capitol Hill Park Apts.)

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a minor communication utility (NextNav) consisting of one GPS antenna, one equipment cabinet, and supporting equipment on the rooftop of an existing multifamily structure.

The following approvals are required:

Administrative Conditional Use Review - to allow a minor communication utility in a Multi-Family Residential Lowrise 3 (LR-3) zone pursuant to Seattle Municipal Code (SMC) 23.57.011B.

SEPA - Environmental Determination pursuant to SMC 25.05.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Location and Description

The subject property is developed with an apartment building operated by Seattle Housing Authority. The existing eleven-story building is constructed on ground that is generally of a higher elevation than the commercially zoned properties a few blocks away. It site located south

of Mercer St between 13th and 14th Avenues East. Zoning for the site and much of the immediate area is Multi-Family Residential Lowrise 3 (LR3).

Public Comment

The public comment period for this project ended March 21, 2012. No comment letters were received.

ADMINISTRATIVE CONDITIONAL USE

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Lowrise zone as an Administrative Conditional Use when it meets the development standards of SMC 23.57.011C and the following criteria, as applicable.

1. *The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposed additional antennas for the minor communication utility will be installed on the roof penthouse of an existing eleven-story apartment building in an LR3 zone. There will be no noise impacts from the proposed antennas. No parking spaces will be removed. There will be no traffic impacts or displacement of residential units.

The design, size, and height of existing antennas, in conjunction with their low visibility from the surrounding properties and structures, will render the proposed additional antenna to be visually un-obtrusive. There will be virtually no perceptible change to the site once the project is completed compared to the existing condition.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

According to the plans submitted, the proposed additional antenna will be fairly inconspicuous due to its slender size and distance above the ground. Therefore, the proposal complies with this criterion.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
 - a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*
 - b.) *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay District. Therefore, this criterion does not apply to the subject proposal.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

This site was specifically chosen by the applicant for its location and height above grade to allow for effective functioning of the utility. The Senior Radio Frequency Engineer for this proposal submitted documentation explaining the need for antennas at this location:

The proposed location provides excellent coverage in the residential area enclosed by I-5 to the West; E Madison St to the East; E. Aloha Street to the North; and E John Street to the south. There are no other existing structures in this area that can provide adequate coverage and reach the intended percent of population requirements that this site achieves. The location of the site was picked because it is an existing facility and meets the elevation requirements to maximize strength and reach of coverage. More importantly, this site fits into the required architecture of three other beacons that are also in the entitlement phase ... and provides the critical signal overlap that allows the technology to work.

The existing structure has a penthouse approximately 115 feet above the ground in an area where structures are generally allowed by the current LR3 zoning to be 35 feet in height. The requested antenna height is the minimum necessary for the effective functioning of the minor communication utility and generally matches the height of existing antennas. This proposal, therefore, complies with this criterion.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility will not be a new freestanding transmission tower. Therefore, this criterion does not apply to the subject proposal.

SUMMARY

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. Once installation of the facility has been completed, occasional visits would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **GRANTED**.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated February 14, 2012. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered.

Short-term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; 6) increased greenhouse gas emission due to construction-related activities, and 7) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse. City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary and is not warranted.

Long-term Impacts

No long term impacts have been identified that warrant mitigation.

Environmental Health

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The City's experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore pose no threat to public health.

Furthermore, the Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

DECISION

This decision was made after review of a completed environmental checklist and other information on file with the responsible department and by the responsible official on behalf of the lead agency. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ [X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- ☐ [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)C).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

None.

SEPA CONDITIONS

None.

Signature: _____ (signature on file) Date: July 12, 2012
Jerry Suder, Land Use Planner
Department of Planning and Development

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